



Rep. Emanuel Chris Welch

Filed: 3/9/2017

10000HB0708ham001

LRB100 07010 SLF 22948 a

1 AMENDMENT TO HOUSE BILL 708

2 AMENDMENT NO. _____. Amend House Bill 708 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 107-17 as follows:

6 (725 ILCS 5/107-17 new)

7 Sec. 107-17. Animal cruelty offenses; arrest; notice to
8 appear; immunity.

9 (a) A peace officer shall arrest without a warrant or issue
10 a notice to appear to any person who violates Section 3.01
11 (cruel treatment), 3.02 (aggravated cruelty), 3.03 (animal
12 torture), or 4.01 (animals in entertainment) of the Humane Care
13 for Animals Act, or Section 12-35 (sexual conduct or sexual
14 contact with an animal) or 48-1 (dogfighting) of the Criminal
15 Code of 2012.

16 (b) Except as otherwise provided by law, if the person

1 arrested under subsection (a) of this Section is not the owner
2 of the animal involved and the animal is not otherwise subject
3 to seizure and forfeiture, the officer shall use reasonable
4 diligence to notify the owner of the animal and shall properly
5 care and provide for the animal until the owner or the owner's
6 agent claims or takes charge of the animal; provided, the owner
7 or owner's agent claims or takes charge of the animal within 60
8 days of the notice under this subsection. The law enforcement
9 agency which employs the peace officer giving notice under this
10 subsection may recover the cost of care or provision for the
11 animal from the owner or person arrested.

12 (c) Any peace officer and any person into whose care an
13 animal is delivered by a peace officer acting under this
14 Section, who cares or provides for an animal under this
15 Section, shall be immune from civil liability based upon an
16 allegation that the care was negligently provided, unless the
17 act is the result of willful or wanton misconduct.

18 (d) Any act of omission or commission by any peace officer
19 acting in good faith in enforcing this Act shall not impose
20 civil liability upon the peace officer or his or her supervisor
21 or employer, unless the act is a result of willful or wanton
22 misconduct.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."